

REMARKS/ARGUMENTS

Applicant appreciates the allowance of claims 1-6, 9, 12, 13, 14, 25, and 29-35. Applicant has amended claims 7, 8, 10, 11, 15, 21-24, 26-28, 36 and 37 which were indicated as containing allowable subject matter. Applicant has canceled claims 16-20 and 38.

In the Office Action, the allowable claims were rejected under 35 U.S.C. § 112 for indefiniteness. The Office Action suggested changes to the claims which the undersigned has adopted.

Changes were made where specifically noted, and other references to "in the melt pool" in other claims have also been deleted.

It was suggested in the Action that the specification lacks antecedent for the "in the melt pool" limitation in the claims. The undersigned respectfully disagrees. It is described in the original specification at page 12, lines 7-10 and in the original and amended claim 1. Nonetheless, since the deletion of "in the melt pool" does not substantively change the amended claims or change their scope, the change has been adopted.

Similarly, the suggested changes to claim 23 have been adopted.

These were the only basis for the 35 U.S.C. § 112 rejection, and it is requested that the allowable claims now be allowed.

Claims 16-20 and 38 were rejected under 35 U.S.C. § 102. Those claims have been canceled rendering the rejection thereof moot.

Accordingly, allowance of all of claims 1-15 and 21-37 is requested.

It is noted that an Information Disclosure Statement submitting one of the references in the International Search Report was mailed to the U.S. Patent and Trademark Office on March 9, 2006. Since it is already a reference of record via the ISR, it is submitted that this recent submission should have no effect on the status of the claims in the Office Action to which this is a response.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 15, 2006:

Robert C. Faber

Name of applicant, assignee or
Registered Representative



Signature

March 15, 2006

Date of Signature

Respectfully submitted,



Robert C. Faber

Registration No.: 24,322

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700

RCF:mjb

00756868.1